

## SENATE BILL No. 125

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-1; IC 33-23-14-8.

**Synopsis:** Reentry courts and community transition. Gives a certified reentry court the authority to establish alternate commencement dates for community transition programs, and permits the court to discharge or release on probation or parole persons who have successfully completed a community transition program. (The introduced version of this bill was prepared by the sentencing policy study committee.)

**Effective:** July 1, 2008.

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**Waltz**

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January 8, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 125

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 11-8-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. "Community transition program" means assignment of a person committed to the department to:

- (1) a community corrections program; ~~or~~
- (2) in a county or combination of counties that do not have a community corrections program, a program of supervision by the probation department of a court; ~~or~~
- (3) a certified reentry program;**

for a period after a person's community transition program commencement date until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

SECTION 2. IC 11-8-1-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.6. **(a) Except as provided in subsection (b),** "community transition program commencement date" means the following:



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(1) Not earlier than sixty (60) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class D felony.

(2) Not earlier than ninety (90) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class C felony and subdivision (3) does not apply.

(3) Not earlier than one hundred twenty (120) days and not later than thirty (30) days before an offender's expected release date, if:

(A) the most serious offense for which the person is committed is a Class C felony;

(B) all of the offenses for which the person was concurrently or consecutively sentenced are offenses under IC 16-42-19 or IC 35-48-4; and

(C) none of the offenses for which the person was concurrently or consecutively sentenced are listed in IC 35-50-2-2(b)(4).

(4) Not earlier than one hundred twenty (120) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class A or Class B felony and subdivision (5) does not apply.

(5) Not earlier than one hundred eighty (180) days and not later than thirty (30) days before an offender's expected release date, if:

(A) the most serious offense for which the person is committed is a Class A or Class B felony;

(B) all of the offenses for which the person was concurrently or consecutively sentenced are offenses under IC 16-42-19 or IC 35-48-4; and

(C) none of the offenses for which the person was concurrently or consecutively sentenced are listed in IC 35-50-2-2(b)(4).

**(b) If a certified reentry court has approved the placement of a person in a community transition program within a period authorized under IC 33-23-14-8, "community transition program commencement date" means the period set by the certified reentry court.**

SECTION 3. IC 33-23-14-8, AS ADDED BY P.L.60-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** A court may take steps necessary to carry out the functions of the reentry court, including hiring employees as needed to perform the required functions of the reentry court.

**(b) A court may approve placement of a person in a community transition program within the following periods:**

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1 (1) Not earlier than one hundred eighty (180) days and not  
2 later than thirty (30) days before an offender's expected  
3 release date, if the most serious offense for which the person  
4 is committed is a Class D felony or a Class C felony.

5 (2) Not earlier than three hundred sixty-five (365) days and  
6 not later than thirty (30) days before an offender's expected  
7 release date, if the most serious offense for which the person  
8 is committed is a Class A felony or a Class B felony.

9 (c) A court may discharge a person or release a person to parole  
10 or probation if the court determines that the person has  
11 successfully completed a community transition program.

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